

## **REMARKS**

Applicants reply to the Final Office Action mailed on March 23, 2007, within the two month shortened statutory period for reply. **Thus, Applicants request an Advisory Action, if necessary.** The Examiner rejects claims 1-15 in the subject application. Claims 1-15 (1 independent claim; 15 total claims) remain pending in the application. Reconsideration of this application is respectfully requested.

Applicants note on the USPTO database that the old title was never changed to the new title which was accepted by Examiner in her Office Action mailed April 6, 2006. Applicants respectfully request the Examiner to enter the previously approved amendment.

The Examiner rejects claims 1-12 and 14-15 under 35 U.S.C. 102(b) as being anticipated by Hanaya, U.S. Patent No. 5,754,258 ("Hanaya"). The Examiner next rejects claim 13 under 35 U.S.C. 103(a) as being obvious over Hanaya. Applicants respectfully traverse this rejection.

Applicants respectfully assert that the Examiner may have misinterpreted claim 1. Claim 1 recites, "a mute section [(106)] for muting the first audio signal which is output from the audio signal switch section [(108)] when the audio signal switch section switches the second audio signal to the first audio signal" (emphasis added and exemplary reference numerals inserted for clarification). As an illustrative example, the specification discloses that the audio signal switch section 108 switches the audio signal 128A (i.e. "second audio signal") having the volume level B1 to the audio signal 126 (i.e. "first audio signal") having the volume level A1 (see page 9, lines 24-26). That is, in claim 1, the "second audio signal" is the audio signal before switching and the "first audio signal" is the audio signal after switching. This is clearly recited in claim 1, "the audio signal switch section switches the second audio signal to the first audio signal" (emphasis added). Moreover, the specification discloses that the audio mute circuit 106 mutes the audio signal 126 (i.e. "first audio signal") output from the audio signal switch section 108 (see page 9, lines 24-28). That is, the audio signal after switching (i.e. "first audio signal") is muted. This is also clearly recited in claim 1, "a mute section (106) for muting the first audio signal" (emphasis added and exemplary reference numeral inserted for clarification).

For example, with reference to Figure 3, the specification discloses that at time t4, the audio signal switch section 108 switches the audio signal to be output from the audio signal 130 (i.e. "second audio signal") to the external audio signal 124 (i.e. "first audio signal"). The mute section 106 mutes the external audio signal 124 (i.e. "first audio signal") as clearly shown in Figure 3 (see page 14, lines 1-9). However, Hanaya fails to teach or suggest a mute section for muting the first

audio signal (i.e. the audio signal after switching) which is output from the audio signal switch section (108) when the audio signal switch section switches the second audio signal to the first audio signal. In fact, as clearly admitted by the Examiner, in Hanaya, the channel ( or program audio signal) after switching is not muted (see page 3, lines 3 of Office Action).

The invention, as disclosed by Hanaya, is directed to a program switching device which allows users to select a desired program very swiftly by preliminarily initiating the receiving operation in accordance with a cursor movement on a control display (see col. 1, lines 36-43). To achieve such an objective, when the select button switch 131 is operated to move the cursor to a predetermined position on the guide menu as shown in Figure 20, the receiving operation for the program designated by the cursor 212 is started before the program is determined to be selected by the user. Therefore, this reduces the time required for the program to be received when the user finally determines to select the program (see col. 20, lines 4-17).

In addition, with reference to Figure 25 for which the Examiner primarily relies on to reject claim 1, Hanaya describes a channel (program) switching process by operating buttons 133 or 138 (as shown in Figure 5) to select a channel. In particular, when a channel is switched, at step 111, the program currently received (i.e. the program (or channel) before the switching) is converted into a static image and the associated sound is muted (see col. 21, lines 63-65). Then, at step 112, the program (or channel) after switching is being received. Then, upon the completion of the process of switching, the program (or channel) after switching is displayed and the associated song is output (see col. 22, lines 3-15).

**Therefore, when a channel is switched, although Hanaya may disclose that the sound associated with the program before the switching (“second audio signal”) is muted, Hanaya fails to teach or suggest that the sound associated with the program after the switching (“first audio signal”) is muted. This is in fact admitted by the Examiner as the Examiner states that the channel after switching is not muted.** Thus, Hanaya fails to disclose or suggest at least “a mute section (106) for muting the first audio signal which is output from the audio signal switch section (108) when the audio signal switch section switches the second audio signal to the first audio signal” (emphasis added and exemplary reference numerals inserted for clarification).

Claims 2-15 variously depend from independent claim 1, so claims 2-15 are differentiated from the cited reference for the same reasons as set forth above, in addition to their own respective features.

Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application is thus requested. The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account No. 19-2814. Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions whatsoever regarding this Reply or the present application in general.

Respectfully submitted,

Dated: May 22, 2007

By: 

Howard I. Sobelman  
Reg. No. 39,038

**SNELL & WILMER L.L.P.**  
400 E. Van Buren  
One Arizona Center  
Phoenix, Arizona 85004  
Phone: 602-382-6228  
Fax: 602-382-6070  
Email: [hsobelman@swlaw.com](mailto:hsobelman@swlaw.com)